



# County of Los Angeles CHIEF ADMINISTRATIVE OFFICE

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DAVID E. JANSSEN  
Chief Administrative Officer

Board of Supervisors  
GLORIA MOLINA  
First District

YVONNE B. BURKE  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

September 6, 2005

To: Supervisor Gloria Molina, Chair  
Supervisor Yvonne B. Burke  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: David E. Janssen  
Chief Administrative Officer

## SACRAMENTO UPDATE

### Status of County-Interest Legislation

**County-supported AB 696 (Chu)**, which would eliminate the Statewide Fingerprint Imaging System requirement for Food Stamp only cases, passed the Assembly on September 1, 2005 by a vote of 46 to 32, and now proceeds to the Governor.

### Other Legislation of County Interest

Last January, Governor Schwarzenegger announced during the State of the State Address that one of his priorities is to make affordable housing available throughout the State. Since January, a number of interested groups, such as the California Building Industry Association, and cities have been meeting to discuss housing supply, affordable housing, resource protection, and orderly development. At this time, no agreement has been reached, and it appears that discussion will continue into the next legislative year.

Last week, the California State Association of Counties (CSAC) sent a letter (Attachment I) to the Governor suggesting that these issues require a single statewide effort geared toward a comprehensive statewide growth strategy. The letter is co-signed by representatives of the Sierra Club, California Special District Associations, American Farmland Trust, Endangered Habitats League, and the California Association of Local Agency Formation Commissions.

Each Supervisor  
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As the legislative session winds down, a number of proposed amendments to two existing bills have been under discussion. The Department of Regional Planning (DRP) which has been monitoring these proposals which have not been adopted, indicates that they would weaken the County's land use regulatory power by delegating authority to regional agencies, such as the Southern California Association of Governments (SCAG) in our region, to determine local land use planning decisions relative to growth, air quality, and transportation needs over a 20-year period, including greater control over residential infill development throughout the region. The proposals were originally drafted as amendments to **SB 832 (Perata)** and **SB 1024 (Perata)**. DRP has analyzed these proposals in Attachment II. These issues are likely to become the subject of legislative discussion next year.

We will continue to keep you advised.

DEJ:GK  
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#### Attachments

c:     Executive Officer, Board of Supervisors  
         County Counsel  
         Local 660  
         All Department Heads  
         Legislative Strategist  
         Coalition of County Unions  
         California Contract Cities Association  
         Independent Cities Association  
         League of California Cities  
         City Managers Associations  
         Buddy Program Participants

September 1, 2005

The Honorable Arnold Schwarzenegger  
Governor, State of California  
State Capitol Building  
Sacramento, CA 95814

Dear Governor Schwarzenegger:

On behalf of the associations representing California's counties, environmental interests, special districts, local agency formation commissions and agricultural interests we strongly urge you to continue the leadership you have shown on many outstanding initiatives by establishing a clear and lasting bi-partisan framework to develop a comprehensive growth strategy for California.

As you and those within your Administration have acknowledged, the current situation – in which housing prices are increasingly out of reach for the average family, inefficient land use patterns are gobbling up farmland and habitat, traffic congestion and air pollution are worsening, cities, counties and special districts cannot afford public services and infrastructure improvements, and the disadvantaged cannot find places to live near job opportunities – simply cannot continue.

One of the keys to addressing these problems is development of a *comprehensive statewide growth strategy* that takes maximum advantage of existing urban services, uses the right land more efficiently, and promotes cooperation, rather than continuous confrontation, over where and how to build. This must be accomplished in a manner that recognizes the diversity and provides flexibility for various regions in the State—urban and rural – to grapple with these issues in a way that is appropriate to their unique circumstances.

Our associations have been meeting as a broader coalition to review and share information regarding the various discussions underway to develop housing and growth proposals and solidify our efforts with a commitment to create a statewide growth strategy. We are aware that the League of California Cities and California Building Industry Association have been meeting for over a year to work on the very complex issue of addressing housing supply and affordability. In fact, CSAC has also been invited to observe in the discussions between the League and CBIA. Our coalition will be asking the League and BIA to expand their conversation to include our efforts and the perspectives of our stakeholder partners. Our coalition has been meeting with the intent of reviewing their joint proposals and to develop proposals that are compatible with their efforts. Current members of our growth strategy coalition include the

California Special Districts Association, the California Association of Local Agency Formation Commissions, the Sierra Club, American Farmland Trust, and the Endangered Habitats League.

You and your colleagues in the State Legislature recently reached an historic agreement on the state budget. We ask you to continue this bipartisan momentum to address one of California's most pressing challenges in a way that will hasten the recovery and enhance the quality of life within our state.

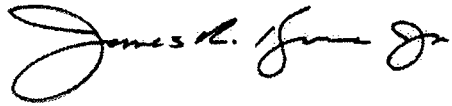
We believe that you could make a significant difference by establishing a clear and lasting framework for future action involving legislative leaders and stakeholders. To that end, we urge you to take the following actions:

- Foster a new spirit of cooperation and partnership between State, regional and local leaders by acknowledging that the State also needs to get its own house in order with respect to how it regulates private activity and programs state funding. Implementation of existing law, AB 857, would be just such a significant step.
- Create a partnership with the legislature, regional and local governments to work on key legislation, budget and tax reforms necessary to break the barriers standing in the way of smarter growth patterns.
- Establish a bi-partisan working group to develop specific legislative, budget and policy changes to achieve efficient growth and prosperity outcomes.
- Support additional funding for planning, infrastructure, housing, public services and agricultural and habitat land conservation.
- Establish pilot projects and partnerships with State and local government to build new housing, improve transportation choices and encourage cooperation between communities and developers.

In summary, it is imperative that we have a single statewide effort involving the Administration, Legislature and assorted stakeholders in order to commit the appropriate time and expertise to this effort. Success will depend on the support and participation of informed stakeholders in a well-staffed and disciplined dialogue where participants are provided facts to guide strategy recommendations. Various ongoing dialogues have already touched on strategy suggestions, but additional staffing is needed to keep the dialogue on track and provide facts to inform the discussion. Steady and well-organized leadership is essential to attaining broad based, bi-partisan support for the specific changes to California's current system of policy and laws, budgeting, incentives and disincentives to achieve growth patterns that improve California's economy by promoting infill, encouraging efficient use of land, and protecting environmental and agricultural resources.

We appreciate the leadership your cabinet members have demonstrated on this issue to date. We also appreciate your consideration of our message and look forward to working with you to ensure California remains the great state it is today.

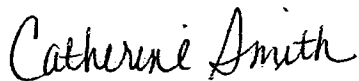
Sincerely,



California State Association of Counties  
James Keene, CSAC Executive Director



Sierra Club  
Bill Allayaud, State Legislative Director



California Special Districts Association  
Catherine Smith, Executive Director



American Farmland Trust  
Edward Thompson, California Director & Senior Associate



Endangered Habitats League  
Dan Silver, Executive Director



California Association of Local Agency Formation Commissions  
William Chiat, Executive Director

### **Analysis of Proposed Draft Amendments to SB 832 (Perata) and SB 1024 (Perata)**

According to the Department of Regional Planning (DRP), these proposed draft amendments would reduce the County's land use regulatory authority. The amendments are discussed below.

**SB 832 (Perata)**, as amended on May 4, 2005, would revise the California Environmental Quality Act (CEQA) exemption for infill housing projects sites up to 10 acres located in a city with a population of more than 200,000 persons, containing between 200 and 300 residential units, and the project acreage and unit allowance has been adopted by a resolution of the city council. SB 832 was placed on the Assembly Inactive File on August 31, 2005.

The draft amendments to SB 832, which have not been adopted, would authorize federally designated metropolitan planning agencies or regional agencies, such as SCAG, to adopt regional growth plans as the preferred growth strategy for local land use plans and decisions, including the designation of land use for the regional transportation plan. Regional agencies would establish land use policies on air quality, traffic, average residential density, and natural resource lands. State planning and infrastructure incentive funding would require that all regional growth plans demonstrate consistency with State planning objectives, incorporating alternative land use and transportation management strategies, significant citizen involvement, significant reductions in vehicle miles traveled per household and increases in average density of new development, and long term sustainable protection of natural resources.

The draft provisions to SB 832 also would allow local jurisdictions to use the tiered Environmental Impact Report (EIR) for certain residential infill projects deemed consistent with a regional growth plan. A tiered EIR relies upon the environmental review completed for an already certified EIR. Qualifying residential infill projects using a tiered EIR would not require re-evaluation of direct regional and cumulative regional impacts on growth, transportation, and air quality, and would not require re-evaluation of alternative offsite locations.

DRP indicates that the tiered EIR proposed changes would relieve local developers of some of the environmental impact report burdens consistent with tiered EIR allowances in other contexts. However, in return, local jurisdictions would be required to seek a determination of consistency of the project with the regional growth plan, in effect acknowledging the primacy and legitimacy of the regional growth plan. DRP considers the proposal another effort to transform the regional agency from land use general policy-maker to a land use planning authority, appropriating local jurisdictions' land use regulatory powers.

In addition, DRP is concerned that the pending provisions would transfer a significant degree of the County's land use regulatory power to SCAG and have significant

operational impacts and fiscal costs on DRP and the County. The amendments would provide expanded authority to SCAG to develop regional growth plans that would address a range of local land use issues, significantly reducing the County's land use planning authority. The regional plans would be significantly more detailed than the Regional Comprehensive Plan currently authorized by the State for regional agencies. While the pending changes would authorize State incentive funding which could benefit the County, funding would be based on conformance to a regional growth plan. The County General Plan would likely require a significant update to conform to the provisions of a regional growth plan and DRP has worked the past few years on a current update to the general plan that includes many public meetings and significant public input. The costs to duplicate such efforts would be significant.

**SB 1024 (Perata)**, as amended on August 29, 2005, would enact the Safe Facilities, Improved Mobility, and Clean Air Bond Act of 2005, which if adopted by the voters, would authorize the issuance of \$7.825 billion in State General Obligation bonds for the state transportation improvement program, levee improvements, restoration of Proposition 42 transportation funds, port infrastructure and security projects, trade corridors of significance, emissions reduction projects, environmental enhancement projects, and transportation needs in cities and counties that meet certain requirements relative to housing needs. SB 1024 is on the Senate Floor.

The draft amendments to SB 1024, which have not been adopted, would revise the allocation of funds under the Safe Facilities, Improved Mobility, and Clean Air Bond Fund and Program, deleting the Affordable Housing Incentive Program (\$425 million), and adding a Regional Housing and Community Growth Incentive Account (\$975 million). Funds would be available for grants to regional agencies to develop regional growth plans, loans to local agencies to update general plans to conform to regional growth plans, and competitive grants based on regional growth plans for wildlife habitat, open space, agricultural lands, housing revitalization, and infill development. Competitive infill incentive grants would be based on the degree to which the project will increase infill development and urban revitalization in an area designated by the regional growth plan.

According to DRP, the project conformity requirements as proposed in the amendments would result in a significant reduction in the County's land use authority. While the new provisions of the bill would include project funding that may benefit County urbanized areas, funding would be subject to a determination of consistency of those projects with regional growth plans. The regional growth plans adopted as the preferred growth strategy would in some respects override the County's General Plan. The pending changes to SB 1024, along with the pending provisions to SB 832 would serve to legitimize the role of regional agencies in regulating local land use.